



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,829	09/22/2003	Jeyhan Karaoguz	14283US2	1006
23446 7590 02/02/2009 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661				
EXAMINER				
SCHNURR, JOHN R				
ART UNIT		PAPER NUMBER		
2421				
MAIL DATE		DELIVERY MODE		
02/02/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/667,829

Applicant(s)

KARAOGUZ ET AL.

Examiner

JOHN R. SCHNURR

Art Unit

2421

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the Amendment After Non-Final Rejection filed 10/20/2008. Claims 1-38 are pending and have been examined.

Response to Arguments

2. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **10-12, 14-17, 21-26, 28-32, 37 and 38** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ten Kate et al. (US Patent 6,601,237)**, herein Ten Kate in view of **Wood et al. (US Patent Application Publication 2002/0054752)**, herein Wood.

Consider **claim 10**, Ten Kate clearly teaches a method of operating a system supporting user captured media display sequencing, the method comprising:

identifying particular media as one of idle state media or user scheduled media based upon input from a user at a first location; **(A user selects programs to create a virtual channel, column 4 line 64 to column 5 line 3. The user selects default media to fill the gaps in the virtual channel schedule, column 5 line 66 to column 6 line 8.)**

storing all of the idle state media at the first location; **(Fig. 1: Video recorder 17 stores media to be used to fill the schedule gaps, column 4 lines 34-37 and column 6 lines 20-29.)**

causing the displaying of the idle state media through set top box circuitry at the first location according to a user defined sequence, if no user scheduled media is available; **(Programs stored on video recorder 17 are used to fill gaps in the virtual channel schedule, column 6 lines 20-29.)**

refraining from causing the displaying of the idle state media through the set top box circuitry if user scheduled media is available. **(Programs in the virtual channel schedule are presented to the viewer, column 4 line 64 to column 5 line 3.)**

Ten Kate further teaches storing user scheduled media at the first location (col. 4 lines 34-37 and col. 6 lines 18-20). However, Ten Kate does not explicitly teach storing all of the user scheduled media at the first location.

In an analogous art, Wood, which discloses a system for creating a user defined virtual channel, clearly teaches storing all of the user scheduled media at a first location. **(The system creates virtual channels of stored media, [0059]-[0061].)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate by storing all of the user scheduled media at the first location, as taught by Wood, for the benefit of better organizing the available media ([0010] Wood).

Consider **claim 11**, Ten Kate combined with Wood, as in claim 10, clearly teaches the identifying is performed using at least one of a set top box, a personal computer, and a television. **(Fig. 1, column 3 lines 37-67)**

Consider **claim 12**, Ten Kate combined with Wood, as in claim 10, clearly teaches the identified media comprises at least one of audio, a still image, video, and data. **(column 3 lines 50-55)**

Consider **claim 14**, see claim 12.

Consider **claim 15**, Ten Kate combined with Wood, as in claim 10, clearly teaches receiving media from a second location. **(The media is broadcast from a second location to the receiver via a network, column 3 lines 37-41)**

Consider **claims 16 and 17**, Ten Kate combined with Wood, as in claim 10, clearly teaches the receiving is performed using a packet network, wherein the packet network is the a cable infrastructure. **(column 3 lines 37-41)**

Consider **claim 21**, Ten Kate clearly teaches a method of operating a system supporting user captured media display sequencing, comprising:

receiving media at a first location; **(Fig. 1: Tuner 2, column 3 lines 37-55)**

storing the media at the first location; **(Fig. 1: DVR 17, column 4 lines 34-37; Video recorder 17 stores media to be used to fill the schedule gaps, column 4 lines 34-37 and column 6 lines 20-29.)**

identifying the media stored at the first location as idle state media or scheduled media based upon input from a user; **(A user selects programs to create a virtual channel, column 4 line 64 to column 5 line 3. The user selects default media to fill the gaps in the virtual channel schedule, column 5 line 66 to column 6 line 8.)**

causing the displaying of the idle state media set top box circuitry at the first location according to a user defined sequence, when no user scheduled media is available; **(Programs stored on video recorder 17 are used to fill gaps in the virtual channel schedule, column 6 lines 20-29.)**

refraining from causing the displaying of the idle state media set top box circuitry if user scheduled media is available. **(Programs in the virtual channel schedule are presented to the viewer, column 4 line 64 to column 5 line 3.)**

Ten Kate further teaches storing user scheduled media at the first location (col. 4 lines 34-37 and col. 6 lines 18-20). However, Ten Kate does not explicitly teach storing all of the user scheduled media at the first location.

In an analogous art, Wood, which discloses a system for creating a user defined virtual channel, clearly teaches storing all of the user scheduled media at a first location. **(The system creates virtual channels of stored media, [0059]-[0061].)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate by storing all of the user scheduled media at the first location, as taught by Wood, for the benefit of better organizing the available media ([0010] Wood).

Consider **claim 22**, Ten Kate combined with Wood, as in claim 21, clearly teaches the idle state media resides on local storage. **(column 6 lines 20-29)**

Consider **claim 23**, Ten Kate combined with Wood, as in claim 21, clearly teaches the user scheduled media resides on at least one of local storage, a 3rd party media provider, a 3rd party service provider, a network server, and a broadband head end. **(column 3 lines 37-41)**

Consider **claim 24**, see claim 17.

Consider **claim 25**, see claim 12.

Consider **claim 26**, see claim 12.

Consider **claim 28**, Ten Kate combined with Wood, as in claim 21, clearly teaches causing, immediately, the displaying of the idle state media based upon user input. **(The idle state media may be stored on video recorder 17, column 4 lines 34-37, therefore the media may be played back immediately if the user selects to play the media from the recorder.)**

Consider **claim 29**, Ten Kate clearly teaches a method of operating a system supporting user captured media display sequencing, comprising:

set top box circuitry at a first location communicatively coupled to a storage at the first location to support consumption of idle state media and user scheduled media by a display device, **(Fig. 1: Video processor 8, column 3 lines 61-67)** wherein all of the idle state media is stored in the storage at the first location; **(Fig. 1: Video recorder 17 stores media to be used to fill the schedule gaps, column 4 lines 34-37 and column 6 lines 20-29.)**

the set top box circuitry at the first location causing the displaying, from the storage at the first location, of idle state media when no scheduled media is available. **(column 5 line 66 to column 6 line 29)**

Ten Kate further teaches storing user scheduled media at the first location (col. 4 lines 34-37 and col. 6 lines 18-20). However, Ten Kate does not explicitly teach storing all of the user scheduled media at the first location.

In an analogous art, Wood, which discloses a system for creating a user defined virtual channel, clearly teaches storing all of the user scheduled media at a first location. **(The system creates virtual channels of stored media, [0059]-[0061].)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate by storing all of

the user scheduled media at the first location, as taught by Wood, for the benefit of better organizing the available media ([0010] Wood).

Consider **claim 30**, see claim 12.

Consider **claim 31**, Ten Kate clearly teaches a packet network interface communicatively coupled to the set top box. (**column 3 lines 39-50**)

Consider **claim 32**, Ten Kate clearly teaches the packet network interface is compatible with at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure. (**column 3 lines 39-50**)

Consider **claim 37**, Ten Kate clearly teaches the identified media is pushed to the system. (**The system receives broadcast media, column 3 lines 37-41.**)

Consider **claim 38**, the display device is one of a plasma display, a liquid crystal display, and a TV screen. (**Fig. 1 Display screen 9 displays television programs, column 3 lines 37-67.**)

5. Claims **1-6, 9, 13, 27, 33 and 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ten Kate et al. (US Patent 6,601,237)** in view of **Wood et al. (US Patent Application Publication 2002/0054752)** further in view of **Hamano et al. (US Patent Application Publication 2002/0166127)**, herein Hamano.

Consider **claim 1**, Ten Kate combined with Wood, as in claims 10 21 and 29, clearly teaches a system supporting media display sequencing.

However, Ten Kate combined with Wood does not explicitly teach at least one display device at a second location that is separate and distinct from the first location, which receives idle state media from the storage at the first location.

In an analogous art, Hamano, which discloses a system for providing media to a remote device, clearly teaches at least one display device at a second location that is separate and distinct from the first location, which receives idle state media from the storage at the first location. (**Fig. 3: Remote display terminal receives media from the set top box, [0044]. The media can be displayed in an idle state, [0037].**)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate and Wood by sending the screen saver to a remote device for display, as taught by Hamano, for the benefit of displaying advertisements to the user while the device is not being used ([0037] Hamano).

Consider **claim 2**, Ten Kate combined with Wood and Hamano, as in claim 1, clearly teaches the identified media comprises at least one of audio, a still image, video, and data. **(column 3 lines 50-55)**

Consider **claim 3**, Ten Kate combined with Wood and Hamano, as in claim 1, clearly teaches a packet network interface communicatively coupled to the set top box. **(column 3 lines 39-50)**

Consider **claim 4**, Ten Kate combined with Wood and Hamano, as in claim 1, clearly teaches the packet network interface is compatible with at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure. **(column 3 lines 39-50)**

Consider **claims 5, 13, 27 and 33**, Ten Kate combined with Wood and Hamano, as in claim 1, clearly teaches a display device at a second location communicatively coupled to the set top box circuitry, which receives idle state media from the set top box. **(Fig. 3: Remote display terminal receives media from the set top box, [0044]. The media can be displayed in an idle state, [0037]. Hamano)**

Consider **claims 6 and 34**, Ten Kate combined with Wood and Hamano, as in claim 1, clearly teaches the at least one display device at a second location is one of a plasma display, a liquid crystal display, or a TV screen. **(Fig. 4: Display 411 displays video data, [0046]-[0047] Hamano.)**

Consider **claim 9**, Ten Kate combined with Wood and Hamano, as in claim 1, clearly teaches the identified media is pushed to the system. **(The system receives broadcast media, column 3 lines 37-41.)**

6. Claims **7 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ten Kate et al. (US Patent 6,601,237)** in view of **Wood et al. (US Patent Application Publication 2002/0054752)** further in view of **Hamano et al. (US Patent Application**

Publication 2002/0166127) and further in view of **Matz (US Patent Application**

Publication 2004/0261096).

Consider **claims 7 and 8**, Ten Kate combined with Wood and Hamano, as in claim 1, clearly teaches a media display sequencing system containing a storage device.

However, Ten Kate combined with Wood and Hamano, as in claim 1, does not explicitly teach at least one media capture device communicatively coupled to the storage, including a DVD player.

In an analogous art, Matz, which discloses a system for sequencing display data, clearly teaches at least one media capture device communicatively coupled to the storage, including a DVD player. **[(0052)]**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate combined with Wood and Hamano by including at least one media capture device communicatively coupled to the storage, including a DVD player, as taught by Matz, for the benefit of providing media from multiple sources.

7. Claims **18-20, 35 and 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ten Kate et al. (US Patent 6,601,237)** in view of **Wood et al. (US Patent Application Publication 2002/0054752)** further in view of **Matz (US Patent Application Publication 2004/0261096)**.

Consider **claim 18**, Ten Kate combined with Wood, as in claim 10, clearly teaches a media display sequencing system receiving media from a packet network.

However, Ten Kate combined with Wood, as in claim 10, does not explicitly teach the packet network is the Internet.

In an analogous art, Matz, which discloses a system for sequencing display data, clearly teaches a packet network delivering media is the Internet. **[(0048)]**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate combined with Wood by transmitting media via the Internet, as taught by Matz, for the benefit of providing media from multiple sources.

Consider **claim 19**, Ten Kate combined with Wood and Matz, as in claim 18, clearly teaches the second location is a server. **([0048] Matz)**

Consider **claim 20**, Ten Kate combined with Wood and Matz, as in claim 18, clearly teaches the server comprises one or more of a 3rd party media provider, a 3rd party service provider, a network server, and a broadband head end. **([0045] Matz)**

Consider **claims 35 and 36**, Ten Kate combined with Wood, as in claim 29, clearly teaches a media display sequencing system containing a storage device.

However, Ten Kate combined with Wood does not explicitly teach at least one media capture device communicatively coupled to the storage, including a DVD player.

In an analogous art, Matz, which discloses a system for sequencing display data, clearly teaches at least one media capture device communicatively coupled to the storage, including a DVD player. **([0052])**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ten Kate combined with Wood by including at least one media capture device communicatively coupled to the storage, including a DVD player, as taught by Matz, for the benefit of providing media from multiple sources.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN R. SCHNURR whose telephone number is (571)270-1458. The examiner can normally be reached on Monday - Friday, 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

Application/Control Number: 10/667,829

Page 11

Art Unit: 2421

JRS